

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 023
Customer RID	?	24 hours	?
Internal Staff RID	<input checked="" type="checkbox"/>	10 working days	<input checked="" type="checkbox"/>
		As time available	?

1. Project Name: Rosemont at Pleasanton

2. Project Number: NA
(Plat #, Zoning Case #, etc.)

3. Project Street Address: Southside of 410 between Pleasanton Rd & Moursund Blvd.
(If not available nearest intersection of two public streets)

4. Applicant Name: Coy Armstrong
Bury Partners

5. Applicant Address: 10000 San Pedro Ave., Suite 100
San Antonio, Texas 78216

6. Applicant Telephone #: (210) 525-9090

7. Applicant e-mail Address: NA

8. Rule in Question:
(Section and/or policy of UDC, Building Code, Master Plan, etc)

The UDC in "UD" districts provides for a front minimum setback of 15' to a maximum 20' setback off major arterials and a 30' wide vegetated buffer.

9. Applicant's Position:
(Including date position presented and name of city staff point of contact)

Date: NA

Contact: NA

Contact Telephone #: NA

Applicant maintains that the site plan meets all building setbacks per the UDC with the exception of providing a 30' vegetated buffer the full length of the project's northern property line common with Loop 410. A 30' vegetated buffer has been provided along 86% of the frontage of Loop 410 with the full length of the frontage averaging a 30' buffer. Due to constraints on the site such as tree preservation and location of the

detention pond the applicant petitions for consideration that the site plan (due to site design constraints) meets the intent of the code and be approved.

It is also noted that properties on the north side of Loop 410 are exempt from providing the 30' vegetated setback so approving the setback as presented on the applicant's site plan would not conflict with the overall landscape requirements of Loop 410.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: **Contact:** **Telephone #**

Staff finds that the site requires a detention pond and that the detention pond would logically be located at the lowest point of the site. It is also recognized that there is a number of trees in the vicinity of the detention pond which would be a logical location for preserving native trees and that moving the apartment buildings to the south could encroach upon the trees. Staff is in agreement that 86% of the Loop 410 frontage compiles with the 30' vegetated buffer requirement and that there is additional property adjacent to the buffer that could be incorporated to provide an average of a 30' wide buffer.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: **Contact:** **Contact Telephone #:**

Staff position is that the applicant has multiple options to resolve the issue including but not limited as follows:

1. Shift the building pads, parking and cross street to the south 15 feet to provide the 30' vegetated buffer width.
2. Delete or possibly shift the two buildings closest to Loop 410 to the parking area fronting on Loop 410.
3. Redesign the site plan or
4. Submit a request to the Board of Adjustments for a variance to the vegetated buffer requirement based on the location of the detention pond, the preserving of trees onsite and the text in the code which provides for a building setback which appears to allow a building to be located within the 30' vegetated buffer.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: October 21, 2004 **Effective Date of policy/action:** Same

After review of the applicant's position, staff's findings and the site plan I concur with the applicant that a vegetated buffer that meets 86% of the literal application the UDC provision and compiles with the code totally when considering an average width as

opposed to a fixed width should be allowed. However, after reviewing the variance provisions of the UDC and discussion with consul it is apparent that such a variance is not allowed under an administrative action and I must therefore apply the UDC provision as literally applied.

As such I concur with staff that the options available to the applicant are as follows:

1. Shift the building pads, parking and cross street to the south 15 feet to provide the 30' vegetated buffer width.
2. Delete or possibly shift the two buildings closest to Loop 410 to the parking area fronting on Loop 410.
3. Redesign of the site plan or
4. Submit a request to the Board of Adjustments for a variance to the vegetated buffer requirement based on the location of the detention pond, the preserving of trees onsite and the text in the code which provides for a building setback which appears to allow a building to be located within the 30' vegetated buffer.

I am also instructing staff by this memo to undertake further discussion with the Planning Department on the concept of a vegetated buffer width that allows an average to be applied when a certain percentage of the buffer complies with the full 30' width and to evaluate whether we should consider modification of the UDC's present vegetated buffer provision.

Florencio Peña III, Director
Development Services Department